

IN THE CIRCUIT COURT OF MONROE COUNTY, MISSISSIPPI

PLAINTIFFS

JAMES E. KING SR., JIMMY RICE, NIDA
RICE, WILLIE JONES, JAMES LENOIR,
ORDELL CLOPTON, ANNA CLOPTON,
LARRY PORTER, WILLIE HOWARD,
EARNEST DOSS, ORLANDO RICE, FELICIA
RICE, CHRIS RICE, RODGER SCOTT,
CHARITY SCOTT, CLAUDE WARE,
WILLIE MCNAIR, WALTER TUMBLIN,
VALERIE MAY WILSON, MICHAEL
WILSON JR., CLAUDE DEVAULD,
CHRISTINE DEVAULD, LINDA TUMBLIN,
HAZEL TUMBLIN, IRA FIELDS, ROBBIE
FIELDS, LUCILLE FIELDS, HENRY JEAN
PARKS, CHASITY DENICE YOUNG, LEONA
BERNICE IVY, GEORGE PORTER, MILOYD
WARE, BARBARA PORTER, JAMES E. KING
JR., TINA PORTER, NATASHA PORTER,
SALLY DEVAULD, SAMANTHA EZELL,
KENT GARDNER, VALERIE GARDNER,
STEPHANIE TUMBLIN, KATROY
TUMBLIN, HENRY TUMBLIN, MYRTICE
TUMBLIN, CARON EWING, RAYMOND
HOWARD, SHERWIN WALKER,
MANDOLYN BODY, INEZ ELLIOT, STELLA
DOBSON, AMANDA BOGGAN, RYAION
MCALISTER, PAMELA MCALISTER, GLEN
MCALISTER, ROXIE MCALISTER, LILLIE
PAGE, ESTATE OF BERTHA MAE
TUMBLIN (DECEASED)

NO. 2011-245-Gm

VS.

DEFENDANTS

COLE POULTRY, LLC,

And

SKEELS POULTRY, LLC,

And

PECO FOODS, INC.

COMPLAINT

COME NOW Plaintiffs, by and through their undersigned counsel of record, and allege the following against Defendants Cole Poultry, LLC; Skeels Poultry, LLC; and Peco Foods, Inc.

NATURE OF THE CASE

1. This is an action by residents of Monroe County, Mississippi against Cole Poultry, LLC; Skeels Poultry, LLC; and Peco Foods, Inc.; ("Defendants") which own and/or operate confined chicken facilities, and/or own the properties upon which those chicken facilities are located, in close proximity to the Plaintiffs' homes and properties. The foul, noxious, and potentially dangerous odors emanating from these chicken facilities, as well as millions of flies and other potentially harmful emissions have impaired Plaintiffs' ability to use and enjoy their properties and have caused substantial damage to their quality of life.

2. Defendants' chicken facilities in Monroe County, Mississippi, are broiler chicken operations, which include a total of twelve confined row houses, including six houses per each Limited Liability Corporation. The Defendants' chicken facilities produce foul and noxious odors; flies and other emissions, which are endured by the Plaintiffs in Monroe County. The chicken facilities that are the subject of this lawsuit consist of the twelve buildings in which the chickens are confined; waste storage areas, in which the chicken urine, feces, litter, as well as other hazardous substances and materials are stored; trucks used to import and export shipments of chickens; vehicles and equipment used to extract the waste from the storage areas and transport it to land application fields; the land application fields where Defendants and/or their agents and/or employees dispose of chicken waste as well as the areas in which Defendants store their dead chickens. Defendants' chicken facilities produce offensive and noxious odors over a wide area. The sources of such odors include, but are not limited to: the chickens in the confinement buildings; the storage areas into which chicken manure, urine, litter, and other

hazardous substances are collected; the leakage, spillage, discharge and release of chicken waste; the spreading of chicken waste; the accumulation and disposal of dead chickens, and the increased truck traffic.

3. Defendants' waste management practices include storing the chicken manure, urine, and other hazardous materials in designated storage areas; and thereafter periodically spreading the waste from the storage areas onto Defendants' properties, as well as the properties of others who have by contract agreed to allow Defendants to spread the waste onto their properties. By distributing the waste in this manner, Defendants have increased and dispersed the odor far beyond the facilities where the chickens are confined, and have created an unnatural and excessive footprint upon the environment and surrounding community of the Plaintiffs. Defendants' waste management practices cause and contribute to the offensive and invasive odors, as well as an increase in the number of flies and other emissions that have disrupted and interfered with Plaintiffs' use and quiet enjoyment of their lives, homes, and properties.

4. Defendants' chicken operations also create excessive vehicle traffic, which causes dust, noise, odors, and other emissions that have disrupted and interfered with Plaintiffs' use and quiet enjoyment of their lives, homes, and properties.

PARTIES

5. Plaintiff James E. King Sr. is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

6. Plaintiffs Jimmy & Nida Rice are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

7. Plaintiff Willie Jones is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

8. Plaintiff James LeNoir is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

9. Plaintiffs Ordell & Anna Clopton are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

10. Plaintiff Larry Porter is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

11. Plaintiff Willie Howard is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

12. Plaintiff Earnest Doss is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

13. Plaintiffs Orlando & Felicia Rice are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

14. Plaintiff Chris Rice is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

15. Plaintiffs Rodger & Charity Scott are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

16. Plaintiff Claude Ware is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

17. Plaintiff Willie McNair is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

18. Plaintiff Walter Tumblin is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

19. Plaintiff Valerie May Wilson is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

20. Plaintiff Michael Ray Wilson Jr. is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

21. Plaintiffs Claude & Christine Devauld are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

22. Plaintiff Linda Tumblin is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

23. Plaintiff Hazel Tumblin is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

24. Plaintiffs Ira & Robbie Fields are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

25. Plaintiff Lucille Fields is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

26. Plaintiff Henry Jean Parks is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

27. Plaintiff Chasity Denise Young is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

28. Plaintiff Leona Bernice Ivy is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

29. Plaintiff George Porter is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

30. Plaintiff Milloyd Ware is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

31. Plaintiff Barbara Porter is a resident of the Egypt community Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

32. Plaintiff James E. King Jr. is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

33. Plaintiff Tina Porter is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

34. Plaintiff Natasha Porter is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

35. Plaintiff Sally Devauld is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

36. Plaintiff Samantha Ezell is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

37. Plaintiffs Kent & Valerie Gardner are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

38. Plaintiffs Stephanie & Katroy Tumblin are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

39. Plaintiffs Henry & Myrtice Tumblin are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

40. Plaintiff Caron Ewing is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

41. Plaintiff Raymond Howard is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

42. Plaintiff Sherwin Walker is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

43. Plaintiff Mandolyn Boyd is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

44. Plaintiff Inez Elliott is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

45. Plaintiff Stella Dobson is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

46. Plaintiff Amanda Boggan is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

47. Plaintiffs Ryaon & Pamela McAllister are both married residents of the Egypt community in Monroe County. Plaintiffs reside at, own, lease and/or are otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

48. Plaintiff Glen McAllister is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

49. Plaintiff Roxie McAlister is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

50. Plaintiff Lillie Page is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

51. Plaintiff Linda Tumblin, as personal representative of the estate of Bertha Mae Tumblin, deceased, who lived at 20047 Tumblin Road, Aberdeen, MS 39730, is a resident of the Egypt community in Monroe County. Plaintiff resides at, owns, leases and/or is otherwise in rightful possession of property in the State of Mississippi that is within approximately one mile of Defendants' chicken facilities that are in the vicinity of Aberdeen, Mississippi.

52. Defendant Cole Poultry, LLC is a Mississippi agricultural entity and/or farm with its principal place of business in Mississippi. Defendant Cole Poultry, LLC has conducted and continues to conduct business in the State of Mississippi and its chicken facilities have been in operation since approximately August 1, 2010. At all times relevant to this lawsuit, Defendant Cole Poultry, LLC, directly and/or indirectly owned, operated, controlled, maintained and/or managed Defendants' concentrated chicken facilities in the vicinity of where Plaintiffs reside and own property in Monroe County, Mississippi.

53. The registered agent for Cole Poultry, LLC is Martha Cole, whose office is located at 20113 Tumblin Road, Aberdeen, Mississippi 39730, which is in Monroe County.

54. Defendant Skeels Poultry, LLC is a Mississippi agricultural entity and/or farm with its principal place of business in Mississippi. Defendant Skeels Poultry, LLC has conducted and continues to conduct business in the State of Mississippi and its chicken facilities have been

in operation since approximately August 1, 2010. At all times relevant to this lawsuit, Defendant Skeels Poultry, LLC, directly and/or indirectly owned, operated, controlled, maintained and/or managed Defendants' concentrated chicken facilities in the vicinity of where Plaintiffs reside and own property in Monroe County, Mississippi.

55. The registered agent for Skeels Poultry, LLC is Noland Skeels, whose office is located at 20115 Tumblin Road, Aberdeen, Mississippi 39730, which is in Monroe County.

56. Defendant Peco Foods, Inc. is a corporation that is based in Tuscaloosa, Alabama and is the supplier/integrator of the chickens to the other Defendants. Defendant Peco Foods, Inc. has conducted and continues to conduct business in the State of Mississippi. At all times relevant to this lawsuit, Defendant Peco Foods, Inc. directly and/or indirectly owned, operated, controlled, maintained and/or managed Defendants' concentrated chicken facilities in the vicinity of where Plaintiffs reside and own property in Monroe County, Mississippi, as well as owning the chickens on which the poultry facilities are located.

57. The registered agent for Peco Foods, Inc. is C T Corporation System and is located at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232, which is in Rankin County.

JURISDICTION AND VENUE

58. This Court has subject matter jurisdiction over the claims set forth herein because Plaintiffs' damages were sustained in Monroe County, Mississippi. The Court has personal jurisdiction over Defendants because they conduct business and/or own property and/or reside within the State of Mississippi.

59. Venue is appropriate in this Court because this is a tort action and the Plaintiffs' injuries occurred in Monroe County, Mississippi and it is the location of Defendants' chicken operations in question.

60. The filing of this complaint is within one (1) year of the commenced operations of Defendants' chicken facilities in question, and thus is not subject to the limitations of Miss. Code Ann. 95-3-29 (Supp. 2010).

GENERAL ALLEGATIONS

61. Plaintiffs reside at and are in rightful possession of the above-described properties in Monroe, Mississippi.

62. On or about August 1, 2010, Defendants began operation of their confined chicken facilities in the Egypt community of Monroe County, Mississippi.

63. Defendants' chicken facilities in the Egypt community of Monroe County, house thousands of broiler chickens. The Defendants' chicken facilities produce foul and noxious odors, which are experienced and endured by the Plaintiffs; excessive amounts of hydrogen sulfate, ammonia and other potentially dangerous emissions, have harmed the neighboring Plaintiffs as set forth, infra.

64. The Defendants' poultry operations utilize designated storage areas to store its chicken waste. The waste contains levels of nitrogen, phosphorus, ammonium, arsenic and other hazardous substances that create a temporary nuisance experienced and endured by the Plaintiffs. The waste gives off foul odors, which are experienced and endured by the Plaintiffs.

65. The chicken waste storage areas and waste disposal systems utilized by Defendants were knowingly designed and constructed so that the chicken waste odors created by the operations would not be reduced, but would actually be exacerbated.

66. The method(s) utilized by Defendants to dispose of their dead chickens, further contribute(s) to the foul odors, excessive flies, and other emissions from Defendants' chicken facilities.

67. The Defendants chicken operations create excessive truck traffic, which causes dust, noise, odors, and other emissions that Plaintiffs have experienced and endured.

68. As a result of complaints from Plaintiffs, Defendants are well aware of the temporary and continuing nuisance created by these poultry operations,

COUNT I -- AGAINST ALL DEFENDANTS
CONTINUING AND TEMPORARY NUISANCE

69. Plaintiffs incorporate by reference the preceding paragraphs, as if fully set forth herein.

70. Plaintiffs have possessory rights to their property.

71. Despite Defendants' representations, and because of the improper siting of the barns, waste storage facilities and land application fields, ill-smelling odors, excessive flies and other emissions have escaped and continue to escape from Defendants' poultry facilities onto the Plaintiffs' properties and, thus, have substantially impaired and continue to impair Plaintiffs' use and quiet enjoyment of their properties, and Plaintiffs have thereby been damaged.

72. Plaintiffs have experienced "sudden onset" or physical manifestations of the nuisance created by the odor from Defendants' poultry facilities, which may include but are not limited to a variety of physical ailments, including but not limited to, burning, dry and/or irritated eyes, nose and throat. In addition, Plaintiffs have suffered anguish and distress as a direct result of the discharges, odors and contaminated wastes from Defendants' poultry facilities, which have caused them damage.

73. Defendants breached their duty to Plaintiffs by producing harmful and ill-smelling odors and hazardous substances that escaped and continue to escape from Defendants' poultry facilities onto the Plaintiffs' properties.

74. As a direct and proximate consequence of Defendants' nuisance, Plaintiffs have suffered and will continue to suffer substantial injuries and damages for which Plaintiffs are entitled to recover. The actions taken by Defendants and the use of their properties have been and continue to be unreasonable, unusual and unnatural.

75. Defendants can substantially reduce the foul and noxious-smelling odors through the implementation of reasonable and readily available technologies. Defendants refuse to reduce and/or eliminate foul and noxious-smelling odors, discharges of waste and hazardous substances, and other nuisances emanating from Defendants' poultry facilities.

76. Defendants' conduct described above constitutes a temporary, continuing and intentional nuisance. Defendants' conduct described above was outrageous because of their conscious disregard of the rights of Plaintiffs, thereby justifying an award of punitive damages against Defendants.

WHEREFORE, Plaintiffs pray for judgment against Defendants, jointly and severally, awarding Plaintiffs actual damages in a fair and reasonable sum in an amount to be determined at trial sufficient to compensate Plaintiffs for the interference of their right to the use and quiet enjoyment of their homes and properties; to be determined at trial in an amount set by law or the trier of fact sufficient to punish Defendants for the above-described conduct and to deter others from like conduct; that the costs of this action be assessed against Defendants, and for such other and further relief as the Court may deem just and appropriate.

COUNT II -- AGAINST ALL DEFENDANTS
NEGLIGENCE

77. Plaintiffs incorporate by reference the preceding paragraphs, as if fully set forth herein.

78. Defendants, and each of them, had and have a duty to Plaintiffs to not unreasonably and negligently produce harmful and ill-smelling odors, excessive flies and other emissions that escaped and continue to escape from Defendants' poultry facilities.

79. Defendants, and each of them, breached their duties of care to Plaintiffs by improperly siting the barns, and by producing harmful and ill-smelling odors, that escaped and continues to escape from Defendants' poultry facilities onto the Plaintiffs' properties and, thus, have substantially impaired and continue to impair Plaintiffs' use and quiet enjoyment of their properties, and Plaintiffs have thereby been damaged.

80. Plaintiffs' use and enjoyment of their properties, has been substantially impaired by the odors, excessive flies and other emissions emanating from Defendants' poultry facilities.

81. As a direct and proximate cause of Defendants' negligence, Plaintiffs have suffered and will continue to suffer substantial injuries and damages for which Plaintiffs are entitled to recovery.

WHEREFORE, Plaintiffs pray for judgment against Defendants, jointly and severally, awarding Plaintiffs actual damages in a fair and reasonable sum in an amount to be determined at trial sufficient to compensate Plaintiffs for the interference of their rights to the use and quiet enjoyment of their homes and properties; for punitive damages to be determined at trial in an amount sufficient to punish Defendants for the above-described conduct and to deter others from like conduct; that the costs of this action be assessed against Defendants, and for such other and further relief as the Court may deem just and appropriate.

COUNT III – PUNITIVE DAMAGES

82. Plaintiffs incorporate by reference the preceding paragraphs, as if fully set forth herein.

83. The actions and inactions of the Defendants, and each of them, were based upon actual malice and/or gross negligence which evidences a willful, wanton or reckless disregard for the safety of others.

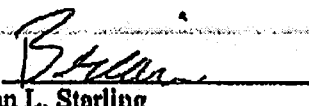
84. As a result of the actual malice and/or gross negligence of the Defendants, and each of them, Plaintiffs are entitled to an award of punitive damages to punish the Defendants, and each of them, and to deter similar misconduct in the future by the Defendants, and each of them, and others.

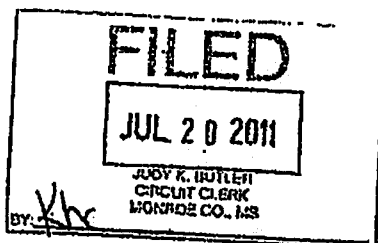
DEMAND FOR JURY TRIAL

Plaintiffs hereby demand their constitutional rights to a trial by jury.

Dated: July 19, 2011

Respectfully submitted,

By: 
Brian L. Starling
THE LAW OFFICES OF
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Tupelo, MS 38802
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ATTORNEY FOR PLAINTIFFS

COVER SHEET		Court Identification Docket #		Case Year	Docket Number
Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		481	2011	2011	245
Mississippi Supreme Court Administrative Office of Courts Form AOC/01 (Rev 2009)		County #	Judicial District	Month	Date
		07	20	11	
In the CIRCUIT		Court of MONROE	County	Judicial District	
Origin of Suit (Place an "X" in one box only)					
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other					
<input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual KING JAMES E M.I. Jr/Sr/III/IV					
Check (x) if Individual Plaintiff is acting in capacity as Executor(rix) or Administrator(rix) of an Estate, and enter style:					
Estate of					
Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:					
D/B/A or Agency					
Business					
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:					
D/B/A					
Address of Plaintiff ABERDEEN, MONROE COUNTY, MISSISSIPPI					
Attorney (Name & Address) BRIAN L. STARKING, ATTORNEY, P.O. BOX 775, TUPELO, MS 38802 MS Bar No. 102878					
Check (x) if Individual Filing Initial Pleading is NOT on a copy					
Signature of Individual Filing: [Signature]					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual					
Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV					
Check (x) if Individual Defendant is acting in capacity as Executor(rix) or Administrator(rix) of an Estate, and enter style:					
Estate of					
Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:					
D/B/A or Agency					
Business					
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:					
D/B/A					
Attorney (Name & Address) - If Known MS Bar No.					
Damages Sought: Compensatory \$ Punitive \$					
Check (x) if child support is contemplated as an issue in this suit.					
If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
Domestic Relations					
Child Custody/Violation					
Child Support					
Contempt					
Divorce/Fault					
Divorce: Inconcilable Diff.					
Domestic Abuse					
Emancipation					
Modification					
Paternity					
Property Division					
Separate Maintenance					
Termination of Parental Rights					
UIFSA (eff 7/1/97; formerly URESA)					
Other					
Business/Commercial					
Accounting (Business)					
Business Dissolution					
Debt Collection					
Employment					
Foreign Judgment					
Garnishment					
Replevin					
Other					
Probate					
Accounting (Probate)					
Birth Certificate Correction					
Commitment					
Conservatorship					
Guardianship					
Holestrip					
Intestate Estate					
Minor's Settlement					
Muniment of Title					
Name Change					
Testate Estate					
Will Contest					
Other					
Children/Minors & Non-Domestic					
Adoption - Contested					
Adoption - Uncontested					
Consent to Abortion Minor					
Removal of Minority					
Other					
Civil Rights					
Elections					
Expungement					
Habeas Corpus					
Post Conviction Relief/Prisoner					
Other					
Contracts					
Breach of Contract					
Installment Contract					
Insurance					
Specific Performance					
Other					
Statutes/Rules					
Bond Validation					
Civil Forfeiture					
Declaratory Judgment					
Injunction or Restraining Order					
Other					
Real Property					
Adverse Possession					
Ejectment					
Eminent Domain					
Eviction					
Judicial Foreclosure					
Lien Assertion					
Partition					
Tax Sale: Confirm/Cancel					
Title Boundary or Easement					
Other					
Torts					
Bad Faith					
Fraud					
Loss of Consortium					
Malpractice - Legal					
Malpractice - Medical					
Negligence - General					
Negligence - Motor Vehicle					
Product Liability					
Subrogation					
Wrongful Death					
Other - INFENT. TORT					